

Washington, Thursday, January 22, 1942

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR LOOK-OUT STATION FOR USE IN COOPERATIVE FOREST PROTECTION

CALIFORNIA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

Section 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in California and certain other States for classification and other purposes, is hereby revoked as to the following-described tract of public land in California:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 9 E.

sec. 4, E½SE¼SE¼SW¼, W½SW¼SW¼ SE¼, 10 acres.

Section 2. Subject to valid existing rights, the lands described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart under the jurisdiction of the Department of the Interior for use as a lookout station site for Federal and State cooperative forest-protection work.

Section 3. The land herein reserved being within the area included in the unit plan agreement for the Williams Hill area, Monterey County, approved by the Secretary of the Interior on June 2, 1937, its reservation as a lookout station is subject to its use for the purpose of oil and gas development pursuant to the act of February 25, 1920, c. 85, 41 Stat. 437, as amended, and for purposes incidental thereto.

FRANKLIN D ROOSEVELT .

THE WHITE HOUSE,

January 20, 1942.

[No. 9028]

[F. R. Doc. 42-625; Filed, January 21, 1942; 12:10 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GENERAL BOMBING RANGE

NEW MEXICO

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341) it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the publicland laws, including the mining laws, and reserved for the use of the War Department as a general bombing range:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 6 S. to 10 S., R. 3 E., inclusive. Tps. 6 S. to 16 S., Rs. 4 E. to 7 E., inclusive. Tps. 11 S. to 16 S., R. 8 E., inclusive.

The areas described, including both public and non-public lands, aggregate

1,249,904.36 acres.

This order shall take precedence over, but shall not rescind or revoke, (1) the Executive Order of April 27, 1926, creating Public Water Reserve No. 107, and (2) the order of the Secretary of the Interior of April 8, 1935, establishing Grazing District No. 4, New Mexico, so far as such orders affect any of the lands in the above-described areas.

In connection with the use by the War Department of the lands described herein, the local army commandant shall consult with such local representatives of the Department of the Interior as may be designated by the Secretary of the Interior as to the location of bombtarget sites, for the purpose of minimizing the effect of demolition bombing in areas valuable for scientific purposes.

It is intended that the lands reserved by this order shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

Franklin D Roosevelt

THE WHITE House,

January 20, 1942.

[No. 9029]

[F. R. Doc. 42-626; Flied, January 21, 1942; 12:10 p. m.]

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III-BUREAU OF ENTO-MOLOGY AND PLANT QUARAN-TINE

[B. E. P. Q. 521]

PART 301-DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY REGULATIONS MODIFIED HARVESTING SEASON EXTENDED

§ 301.64-5d Administrative instructions modifying the restrictions of the Mexican fruitfly quarantine by extending the harvesting season on oranges and grapefruit. Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the third proviso of § 301.64 [Notice of Quarantine No. 64], it having been determined by me that a modification may be safely made without increasing the risk of spread of the Mexican fruitfly, § 301.64-5 (a) [paragraph (a) of regulation 5 supplemental to this quarantinel is hereby modified effective January 20, 1942, to extend the harvesting season for oranges and grapefruit for the Texas Counties of Brooks, Cameron, Hidalgo, and Willacy to the close of May 31 for the year 1942, provided conditions of infestation do not necessitate an earlier closing date.

The host-free period for oranges and grapefruit, under this modification, will begin June 1 and continue through August 31, 1942, inclusive, in the above-

named counties.

Page

In the counties of Dimmit, La Salle, and Webb, the grapefruit harvesting season closes on February 28, 1942, under the regulations, and the orange harvesting season closes on April 30 as to these three counties and the portion of Jim Wells County which is under regulation. No modification is made as to the harvesting seasons in these counties (7 C.F.R. § 301.64-5; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 17th day of January 1942. Effective January 20, 1942.

[SEAL]

P. N. ANNAND. Chief.

[F. R. Doc. 42-590; Filed, January 20, 1942; 2:51 p. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I-BUREAU OF CUSTOMS [T.D. 505551

PART 6-INVOICES, ENTRY, AND ASSESSMENT OF DUTY

INVOICES-LUMBER 1

T.D. 50498,2 dated October 17, 1941, publishing the notice of the requirement of additional data on customs invoices

of lumber (including sawed timber), is hereby amended by adding the following paragraph between item (4) and the last paragraph:

§ 6.1 Invoices; contents.

(c) * * *

*

The information provided for in items (3) and (4) shall not be required to be set forth on invoices of Northern white pine (pinus strobus) and Norway pine (pinus resinosa). (Sec. 481 (a) (10), 48 Stat. 719; 19 U.S.C. 1481 (a) (10))

W. R. JOHNSON,

Commissioner of Customs.

Approved: January 19, 1942. HERBERT E. GASTON,

Acting Secretary of the Treasury.

[F. R. Doc. 42-599; Filed, January 21, 1942; 11:12 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

IT.D. 51101

PART 3-INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9-INCOME TAX UNDER THE REVENUE ACT OF 1938

REGULATIONS 94 AND 101 AMENDED-STOCK DIVIDENDS AND STOCK RIGHTS

Article 115-7 of Regulations 94 [§ 3.115-7, Title 26, Code of Federal Regulations] and article 115-7 of Regulations 101 1 [§ 9.115-7, Title 26, Code of Federal Regulations, 1939 Sup.1 are each amended by striking out all of the matter appearing after the first sentence thereof. (Section 62 of the Revenue Act of 1936 (49 Stat. 1673, 26 U.S.C., Sup. 62) and section 62 of the Revenue Act of 1938 (52 Stat. 480, 26 U.S.C., Sup. 62))

. GUY T. HELVERING, Commissioner of Internal Revenue.

Approved: January 19, 1942.

JOHN L. SULLIVAN,

Acting Secretary of the Treasury.

[F. R. Doc. 42-591; Filed, January 20, 1942; 3:58 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX-OFFICE OF PRODUC-TION MANAGEMENT

SUBCHAPTER B-PRIORITIES DIVISION

PART 929-MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Extension No. 1 of Preference Rating Order No. P-5-b

It is hereby ordered, That Preference Rating Order No. P-5-b, issued November 1, 1941, shall continue in effect until May 1, 1942 unless sooner revoked by the Director of Priorities. (P.D. Reg. 1

¹This document affects 19 CFR 6.1 (c). ²6 F.R. 5446.

¹⁴ F.R. 623, 700, 802.

^{*6} F.R. 5531.

Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 21st day of January 1942.

J. S. Knowlson, Acting Director of Priorities.

[F. R. Doc. 42-600; Filed, January 21, 1942; 11:21 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1301-MACHINE TOOLS

PRÌCE SCHEDULE NO. 67—NEW MACHINE TOOLS

Machine tools are the equipment by which countless manufacturers produce vitally needed war materials essential to the fulfillment of the War Program.

Pyramiding up from the machine tool industry are all of the manufacturing organizations of the country. The market for machine tools therefore is dependent upon the demand for the products of other manufacturers. The War Program has placed billions of dollars of new orders with manufacturers of all types of military products and the impact of these orders has fallen, with concentrated effect, upon the manufacturers of machine tools. The demand for these products has been so great and so urgent that machine tool builders were given the first and one of the highest priority ratings of any industry.

Machine tool makers have been unable to keep pace with the orders for machine tools. The back-log of unfilled orders has steadily grown. Under such pressure the importance of price as a controlling force has been minimized. The time of delivery has become more important to buyers of machine tools than the price. Under such circumstances the inflation-

ary danger is apparent.

Although the industry was asked, by a letter of May 6, 1941, to hold firm the prices quoted on that date, there have been increases since May which are not entirely reflected in the general index of machine tool prices as prepared by the Bureau of Labor Statistics. A substantial number of these increases have taken place without the approval of the Office of Price Administration.

Today, the War Program has placed upon this industry demands which far exceed anything experienced before. The Office of Price Administration believes that the voluntary program has not been adequate to meet the demands of the situation which has already developed.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is

hereby directed that:

§ 1301.51 Maximum prices for new machine tools and extras. (a) On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as set forth in paragraph (b) of this section, no person shall sell, offer to sell, deliver or transfer any new machine tool or extra,

and no person shall buy, offer to buy, or accept delivery of any new machine tool or extra (1) at a price higher than the list price of such machine tool or extra in effect on October 1, 1941; or,

(2) if there were no list price in effect

(2) if there were no list price in effect on October 1, 1941, the maximum price shall be the last price at which such new machine tool or extra was sold from January 1, 1941 to October 1, 1941; or

(3) if the new machine tool or extra had no list price on October 1, 1941 and was not sold within the period from January 1. 1941 to October 1, 1941, the maximum price shall be the price on October 1, 1941 of the most nearly comparable machine tool or extra produced by the same manufacturer, adjusted to reflect increases or decreases in cost resulting from significant mechanical differences. If the maximum price is to be determined under this subparagraph, the proposed price and a description of such new machine tool or extra together with an indication of the machine tool or extra deemed by the manufacturer to be most nearly comparable and cost estimates indicating the changes in cost resulting from significant mechanical differences shall be submitted on Form 167:1 to the Office of Price Administration not less than 30 days before the date of delivery of such machine tool or extra and such price shall be the maximum price unless an objection is made by this Office within 15 days after the receipt of such information.

(b) The provisions of this section shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Procurement Division of the Treasury or any other agency of the United States prior to the effective

date of this Schedule.

(c) Nothing in this section shall prevent the inclusion, in any contract for the sale of any new machine tool or extra of a provision for adjustment of the original contract price on deliveries actually made more than nine months after the date of execution of the contract, if such provision expressly limits payments made under the contract to the maximum price established by the Office of Price Administration or its successor and in effect on the date of delivery of any such new machine tool or extra.

*§§ 1301.51 to 1301.59, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.52 Less than maximum prices. Lower prices than those set forth herein may be charged, demanded, paid or offered.*

§ 1301.53 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of new machine tools or extras, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other special charge, or discount, premium or other privilege, or by tyingagreement or other trade understanding, or otherwise, as a result of which the net price received by the seller of a machine tool or extra will exceed the net price which would have been received by such seller if such machine tool or extra had

been sold on October 1, 1941. The provisions of this section shall not apply to discounts, allowances or concessions on sales by a manufacturer of new machine tools to a dealer in new machine tools.*

§ 1301.54 Records and reports. (a) Every manufacturer of and every dealer in new machine tools making any sale-after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the list price on the date of sale, the gross price on the date of sale if there is not list price, the net price received, and the number and description of each type of new machine tool or extra sold.

(b) On or before February 15, 1942, every manufacturer of new machine tools shall file a statement on Form 167:2 with the Office of Price Administration setting forth (1) the list price on October 1, 1941 of each type and size of machine tool and extra offered for sale by such manufacturer on such date, any special charges, discounts, allowances or concessions in effect on October 1, 1941, and the last price between January 1, 1941, and October 1, 1941 on every machine tool or extra for which there was no price list in effect on October 1, 1941; and (2) the list price on May 6, 1941 of any type of machine tool or extra on which the price has been increased and the amount of any such increase, and on Form 167:3 the names and addresses of all dealers in new machine tools to whom such manufacturer has sold new machine tools since January 1, 1941.

(c) On or before April 1, 1942, every manufacturer of new machine tools shall file with the Office of Price Administration a certified balance sheet as of December 31, 1941, and a certified profit and loss statement for the year, 1941. All balance sheets and profit and loss statements shall be duplicates of the statements filed with the Bureau of Internal Revenue in making income tax returns. Any corporation whose fiscal year does not coincide with the calendar year shall file a certified balance sheet and a profit and loss statement within three months of the close of such fiscal year in the same form as is required for corporations whose fiscal year coincides with the calendar year.

(d) 'Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may,

from time to time, require.*

§ 1301.55 Affirmations. On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every manufacturer of and every dealer in new machine tools who, during the preceding three calendar months has sold new machine tools or extras, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 167:4 containing a sworn statement that during the preceding three months all offers to sell, sales, deliveries and transfers were made at prices in compliance with this Schedule. Copies of Form 167:4 can be procured from the Office of Price Administration, or, provided

that no change is made in the style and content of the Form and that it is reproduced on 8" x 101/2" paper, they may be prepared by persons required to submit affirmations hereunder.*

§ 1301.56 Enforcement. In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof: (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule: (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of new machine tools, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1301.57 Modification of the Schedule. Persons claiming hardship or inequity in the operation of this Schedule as a result of subcontracting or for any other reason may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with

this Schedule.*

§ 1301.58 Definitions. When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or

- other business entity;
 (b) "Price" means the price for a machine tool or extra f. o. b. manufacturer's plant and before adjustment for any special charges, discounts, allowances or concessions;
- (c) "Net price" means the price for a new machine tool or extra plus any applicable special charges and less any applicable discounts, allowances or conces-
- (d) "Manufacturer of new machine tools" includes any agent of such manu-

facturer and does not include any person whose work on machine tools is restricted solely to the reconditioning or repair of used machine tools:

- (e) "Dealer in new machine tools" means any person engaged in the business of purchasing new machine tools for
- resale;
 (f) "User" means any purchaser of a new machine tool or extra other than a dealer in new machine tools;
- (g) "Certified" referring to a balance sheet or profit and loss statement means a balance sheet or profit and loss statement sworn to be a correct statement of the financial condition of a corporation by the principal accounting officer of the corporation or other person having knowledge of the relevant facts and authorized by the corporation to certify in its behalf:
- (h) "Machine tool" means all machines for the cutting, abrading, shaping and forming of metals;
- (i) "Extra" means standard supplementary equipment furnished by the manufacturer at added cost above the price of any machine tool.*

§ 1301.59 Effective date of the Schedule. This Schedule shall become effective January 20, 1942.*

Issued this 20th day of January 1942. LEON HENDERSON, Administrator.

[F. R. Doc. 42-593; Filed, January 20, 1942; 3:59 p. m.]

PART 1353-VEGETABLE FIBERS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 59 1-KAPOK

Section 1353.1 is hereby amended by adding thereto the following subparagraph (b) (4): 1760

§ 1353.1 Maximum prices for kapok.

(4) Notwithstanding the foregoing provisions of this section, any person selling for the account of a Netherlands East Indies seller, or for the account of an agent of such seller, may sell kapok at prices not in excess of the following:

Prime Japara: 14.75¢ per pound, c. & f. Atlantic Coast; 13.00¢ per pound, c. & f. Pacific Coast.

Average Java: 14.25¢ per pound, c. & f. Atlantic Coast; 12.50¢ per pound, c. & f. Pacific Coast.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 21, 1942.

Issued this 20th day of January 1942.

LEON HENDERSON. Administrator.

> -75.

[F. R. Doc. 42-595; Filed, January 21, 1942; 10:23 a. m.] 21

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¹6 F.R. 6616.

PART 1354-WOOL AND WOOL PRODUCTS AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 58 1-WOOL AND WOOL TOPS AND YARNS

Section 1354.12, paragraphs (a) and (c) are hereby amended to read as follows:

§ 1354.12 Appendix C; maximum prices for yarns for military fabrics—(a) Serge O. D. 18 oz. (light and dark shades).

	Price
1	oer lb.
Bradford Spun Domestic	\$2,20
Bradford Spun Foreign	2.00
Bradford Spun 50% Foreign, 50%	
Domestic	2, 13
French Spun Domestic	2,28
French Spun Foreign	2.14
French Spun 50% Foreign, 50% Do-	
mestic	2, 21
	•

(c) Underwear. Merino Yarns, 50%

00 70
\$1.36
1,26
1,30
1.20
1,33
1.23
F.R.

This Amendment No. 4 shall become effective January 20, 1942. Issued this 20th day of January 1942.

> LEON HENDERSON, Administrator.

[F. R. Doc. 42-592; Filed, January 20, 1942; 3:59 p. m.]

-PART 1362-CERAMIC PRODUCTS

PRICE SCHEDULE NO. 75-DEAD-BURNED GRAIN MAGNESITE

The most widely employed basic refractory material is dead-burned magnesite which is used in brick form largely to line basic open hearth steel and other metallurgical furnaces, and in grain form to maintain these furnaces by providing a protective covering for the refractory brick, principally on the furnace bottom. This Price Schedule establishes maximum prices only for the maintenance grades of domestic dead-burned grain magnesite.

Dead-burned magnesite is made by calcining crude magnesite (magnesium carbonate) or brucite (magnesium hydroxide) at high temperatures or by chemically processing brines or sea-water bitterns. In the past the United States has imported substantial quantities of dead-burned magnesite, but the spread of war has almost entirely shut off foreign sources of supply. Existing domestic facilities are inadequate to satisfy expanded demands arising from increased output of steel, copper, and other materials required by the war effort. As

¹6 F.R. 6551, 7 F.R. 226, 7 F.R. 399, 7 F.R. 400.

a consequence, capacities of the domestic producers of dead-burned grain magnesite have been subject to vigorous competing demands of steel companies seeking maintenance material, and of refiners and smelters of non-ferrous metals and metallurgical products, and of brick manufacturers requiring other grades of

grain magnesite.
The Office of Price Administration has determined that the establishment of maximum prices for maintenance grades of domestic dead-burned grain magnesite is essential to preserve price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. Adoption of the prevailing market price as the maximum contained in this Schedule was determined to be fair and reasonable after extensive investigation, discussions with the Office of Production Management, and full consideration of all relevant factors, including the need of encouraging domestic production, and after a conference with the industry.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1362.1 Maximum prices for maintenance grades of dead-burned magnesite. (a) On and after January 28, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, and no person shall buy, offer to buy, or accept delivery of maintenance grades of domestic deadburned grain magnesite in carload quantities at prices higher than the maximum price.

(b) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bulk shall be \$22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus railroad freight from Chewelah to the point of delivery designated by the purchaser.

(c) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) above, plus \$4.00 a ton to cover the cost of packaging.*

*§§ 1362.1 to 1362.9, inclusive, issued under the authority contained in EO. Nos. 8784, 8875, 6 F.R. 1917, 4483.

§ 1362.2 Less than maximum prices. Lower prices than those established by this Schedule may be charged, de-manded, paid, or offered.*

§ 1362.3 Evasion. The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of mainte-nance grades of domestic dead-burned grain magnesite, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than

those available or in effect on January 6, 1942; or by any other means.

§ 1362.4 Records and reports. Every person who, during any calendar month after January 1942, shall purchase or sell one carload or more of maintenance grades of domestic dead-burned grain magnesite, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of each such purchase or sale showing (a) the date thereof. (b) the name and address of the buyer and the seller, (c) the point of delivery to the buyer, (d) the price paid or received, (e) whether the grain magnesite was shipped in bulk or in bags or sacks, and (f) the quantities sold or nurchased.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to

time require.* § 1362.5 Assirmation of compliance. On or before April 10, 1942, and on or before the tenth day of April, July, September, and January thereafter, every seller required by section 1362.4 to keep records, shall submit to the Office of Price Administration, Washington, D. C., an affirmation of compliance on Form 175:1, containing a sworn statement that during such months all sales governed by this Schedule were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 175:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10 1/2" paper, they may be prepared by persons required to submit

affirmations of compliance hereunder.*

§ 1362.6 Enforcement. In the event of refusal or failure to abide by the price limitations, record and report require-ments, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both state and federal, arè fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of

maintenance grades of domestic deadburned grain magnesite, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1362.7 Modification of the Schedule. Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: Provided, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1362.8 Definitions. When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Delivered price" means the price including all commissions and freight to the railroad siding nearest the location designated by the purchaser;

(c) "Carload quantity" means a shipment of maintenance grades of domestic dead-burned grain magnesite the weight of which is sufficient to constitute a carload shipment or on which the charges would be collected at the car load rate under the tariffs of the railroad furnishing the car.*

§ 1362.9 Effective date of the Schedule. This Schedule (\$\$ 1362.1 to 1362.9, inclusive) shall become effective January 28, 1942.*

Issued this 21st day of January 1942.

LEON HENDERSON. Administrator.

[F. R. Doc. 42-594; Filed, January 21, 1942; 10:23 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, Doing Business as Ten X Coal Com-PANY, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on January 22, 1942, at 10 a.m. at a hearing room of the Bituminous Coal Division at the Muskingum County Court House. Zanesville, Ohlo: and

It appearing to the acting Director that it is advisable that said hearing should

be postponed;

Now, therefore, it is ordered. That the hearing in the above-entitled matter be, and the same hereby is, postponed to a date and place to be hereafter designated by appropriate order.

Dated: January 19, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-601; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. D-12]

IN THE MATTER OF THE APPLICATION OF VANDERBILT COAL AND COKE COMPANY, INC., FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBU-TORS' DISCOUNTS ON COAL SOLD TO FAY-WEST COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The Vanderbilt Coal and Coke Company, Inc., a corporation organized under the laws of Delaware, with its principal offices in Connellsville, Pennsylvania, being registered with the Division as a distributor, No. 9222, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that Faywest Coal Company does not own or financially or otherwise control the petitioner.

2. That it be determined that the ownership by mutual stockholders of the capital stock of Faywest Coal Company and the petitioner is bona fide, is not established to secure indirect price reductions and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Act.

3. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to accept and retain distributors' discounts on coal purchased and resold by it to the Faywest Coal Company.

4. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to secure commissions on coal sold by it as sales agent for code member producers to the Faywest Coal Company.

5. For such further and alternative relief as may appear just and equitable.

It is, therefore, ordered, That a hearing on such matter be held on March 4, 1942, at 10 a.m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 23, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 42-602; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. A-1238]

PETITION OF BITUMINOUS COAL CONSUMERS'
COUNSEL FOR THE ESTABLISHMENT OF A
PRICE INSTRUCTION CONCERNING TRUCK
AND RIVER SHIPMENTS OF 30,000 TONS
OF COAL OF CERTAIN MINES IN SUBDISTRICT NO. 4 OF DISTRICT NO. 13 TO THE
WILSON DAM STEAM PLANT OF TENNESSEE VALLEY AUTHORITY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. Con such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. Mc-Curtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for pro-

ceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 11, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Consumers' Counsel for the temporary establishment of a price instruction concerning truck and river shipments of 30,000 tons of coal of certain mines in Subdistrict No. 4 of District No. 13 to the Wilson Dam Steam Plant of Tennessee Valley Authority; and, more particularly, for the temporary establishment of a price instruction in the Schedule of Effective Minimum Prices for District No. 13, For Truck Shipments, reading substantially as follows:

Any producer in Subdistrict 4 may ship coal at the prices herein established for truck shipment when the shipments are made by truck from the mine to a loading point on the Tennessee River for shipment thence by river to the Wilson Dam. Alabama, steam plant of the Tennessee Valley Authority: Provided, That such minimum prices shall be applicable f. o. b. mine, and the provisions of Price In-struction 7 shall be fully applicable to the transportation from the mine to the river loading point: And, provided further. That this instruction shall only remain effective until January 30, 1942: And provided further, That this instruction shall become ineffective from and after such time as the producers in Subdistrict 4 may be notified by the Bituminous Coal Division that 30,000 tons of coal have been shipped pursuant to this Price Instruction 8.

This proceeding may also concern other matters affecting the minimum price structure for District No. 13, and all persons are cautioned to be guided accordingly.

Dated: January 19, 1942.

[SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 42-603; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. D-13]

IN THE MATTER OF THE APPLICATION OF HOLMES-DARST COAL CORPORATION FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS OF COAL SOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Holmes-Darst Coal Corporation, a corporation organized under the laws of

Delaware, with its principal offices in Knoxville, Tennessee, and registered with the Division as a distributor, No. 4454, filed its petition praying:

1. For a determination that its "ownership" or "control" over the eight retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain sales agents' commissions and distributors' discounts on all coal sold to each of the following retailers:

Name and address

Wm. M. Coady-Coal Co... Kokomo, Ind.
Horne Coal Co......... Atlanta, Ga.
North State Fuel Co... Charlotte, N. C.
J. F. Phillips Coal Co... Anderson, Ind.
Claude M. Trawick Macon, Ga. Coal Co.
Wright Coal Co....... Des Moines, Iowa.
Yadkin Fuel Co...... Salisbury, N. C.
C. L. Bolton Coal Co., Johnson City, Tenn.
Inc.

It is, therefore, ordered, That a hearing on such matter be held on March 16, 1942, at 10 a.m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Michell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 6, 1942-setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be

necessary corollaries to the relief, if any, granted on the basis of this petition. Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-604; Piled, January 21, 1942; 11:26 a. m.]

[Docket No. B-143]

In the Matter of Old Ben Coal Corporation, Defendant

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 2, 1942, at 10 a.m., at a hearing room of the Bituminous Coal Division at Room 705, U.S.

Custom Court Building, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under \$301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such

period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is 230 South Clark Street, Chicago, Illinois, subsequent to October 1, 1940, delivered to Bauer and Black, whose address is Chicago, Illinois, approximately 3,800 net tons of 11/2" dedusted screenings produced by said defendant at its Old Ben Mine No. 11, Mine Index No. 119, located in Franklin County, Illinois, in District No. 10, at \$1.15 per net ton f. o. b. said mine, whereas said coal is classified as Size Group No. 27 and priced at \$1.70 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck. This coal was purchased by Bauer and Black between October 1939 and April 11, 1940, payment was made upon purchase, but delivery was not made until after October 1, 1940, which was contrary to the Director's ruling dated September 25, 1940, to the effect that where the code member has retained an interest in or control over the coal or remains under an obligation to perform a further act in order to make the coal available for use by the purchaser the effective minimum prices are applicable to such coal.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc, 42-605; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. D-11]

IN THE MATTER OF THE APPLICATION OF ASSOCIATED PRODUCERS COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBU-TORS' DISCOUNTS ON COAL SOLD TO ASSO-CIATED SALES COMPANY

NOTICE OF AND ORDER FOR HEARING

The Associated Producers Coal Company, a Business Trust organized under the laws of Oklahoma, having its principal place of business in Oklahoma City, Oklahoma, acting as sales agent for certain producers and registered with the Division as a distributor, No. 0295, filed its petition in the above-entitled matter praying that it be given permission to

accept and retain sales agents' commissions and distributors' discounts on all coal, heretofore and hereafter, sold to Associated Sales Company, Oklahoma City, Oklahoma.

It is, therefore, ordered, That a hearing on such matter be held on March 24, 1942, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 20, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-606; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. A-1186]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF THE SPADE MINE, MINE INDEX No. 606, W. L. Spade, a Code Member IN DISTRICT No. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RE-

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in shipping point for

the coals of the Spade Mine, Mine Index No. 606, W. L. Spade, a code member in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter: and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, for rail shipments, shall be applicable only for shipments on Chesapeake & Ohio Railway from Beaver, West Virginia, and shall no longer be applicable for shipments on Chesapeake & Ohio Railway at Hinton, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 10 shall be applicable to all shipments of the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, from Beaver, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 20, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-607; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-12]

In the Matter of E. H. Fannin, Code MEMBER, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORA-TION OF CODE MEMBERSHIP

A complaint dated September 3, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 8, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by E. H. Fannin, R. F. D. No. 1, Rush, Kentucky, of the Bituminous Coal Code and rules and regulations thereunder; and .

An Order having been made herein on December 1, 1941, by the Acting Director pursuant to stipulation of the defendant and said district board, dated October 15, 1941, terminating the code membership of the defendant and determining that the amount of tax required to be paid by the defendant as a condition to defendant's reinstatement to membership in the Code was \$18.29, and providing that cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of said Order upon the defendant; and

Said Order having been duly served on the defendant on December 4, 1941; and Said defendant having filed with the Division as provided in section 5 (c) of

the Act his application dated January 3, 1942, for restoration to code member-

ship: and

It appearing from said application that the defendant on December 5, 1941, paid to the Collector of Internal Revenue at Louisville, Kentucky, the sum of eighteen dollars and twenty-nine cents (\$18.29) pursuant to said Order made December 1. 1941, as a condition precedent to restoration of his code membership.

Now, therefore, it is ordered, That said application of the defendant dated January 3, 1942, for restoration of his code membership be granted.

It is further ordered, That said restoration of the code membership of the defendant shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: January 19, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-608; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION No. 2712, RESPONDENT

ORDER FURTHER AMENDING AND SUPPLE-MENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above entitled matter to determine whether or not the Elfgen Coal Company, registered distributor, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 8, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other penalty imposed; and

An Order dated November 6, 1941, Amending and Supplementing said Notice of and Order for Hearing having been entered herein: and

Additional evidence relating to the transactions involved herein having come into the possession of the Division;

It is ordered, That paragraph No. 2 of said Notice of and Order for Hearing as heretofore Amended and Supplemented be and the same is hereby further Amended and Supplemented to read as follows:

2. The respondent, during the period from October 1, 1940, to October 31, 1941,

both dates inclusive, purchased in carload lot quantities approximately 51,-368.75 net tons of coal of various sizes from Walter Bledsoe & Co., St. Louis, Missouri, acting as sales agent for various code member producers; Sahara Coal Company, code member, Chicago, Illi-nois; Binkley Coal Company, St. Louis, Missouri, acting as sales agent for various code member producers; Truax-Traer Coal Company, code member, Cincinnati, Ohio; Franklin County Coal Corporation, code member, Chicago, Illinois; Old Ben Coal Corporation, code member, Chicago, Illinois; Perry Coal Company, code member, St. Louis, Missouri; and Lumaghi Coal Company, code member, St. Louis, Missouri; and during said period resold in carload lot quantities approximately 51,059.6 net tons of said coal to the City Fuel and Supply Company, Alton, Illinois, and approximately 309.15 net tons of said coal to the Bluff City Coal Company, Alton, Illinois. The acceptance of discounts from the effective minimum prices in these transactions was in violation of paragraph (d) of the Distributor's Agreement, since the respondent did not purchase such coal for bona fide resale.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as heretofore Amended and Supplemented, remain in full force and effect in all other respects.

Dated: January 20, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-609; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. 1741-FD]

IN THE MATTER OF SOLDIER CANYON COAL . COMPANY, A PARTNERSHIP, (CARL NY-MAN), DEFENDANT

CEASE AND DESIST ORDER

District Board 20 having filed a complaint with the Bituminous Coal Division on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Soldier Canyon Coal Company, a partnership in which Carl Nyman is one of the partners, a code member in District 20, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant on or about January 20, 1941, substituted approximately 490.511 tons of 3" (Size Group 3) lump coal, produced at the National Mine (Mine Index No. 179), on an order for coal from the Soldier Canyon Mine (Mine Index No. 27), District 20, at a price of 95 cents below the effective minimum price for such coal;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 3, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the defendant

and complainant having referred to the undersigned their joint recommendation that a cease and desist order be entered;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith:

Now therefore, it is ordered, That the defendant Soldier Canyon Coal Company (as organized on January 20, 1941) its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 20 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: January 19, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-610; Filed, January 21, 1942; 11:28 a. m.]

[Docket No. A-1178]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFI-CATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

[Docket No. A-1178 Part II]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE JOANNIE MINE (MINE INDEX NO. 797) OF JOHN C. JOR-DAN, A CODE MEMBER IN DISTRICT NO. 12, FOR TRUCK SHIPMENT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1178 PART II FROM DOCKET NO. A-1178 AND GRANTING TEMPORARY RE-LIEF IN DOCKET NO. A-1178 PART II

The original petition in the above-entitled matter filed with this Division on November 25, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 12. The original petition also prays for the establishment of temporary minimum prices for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan, for truck shipments.

As indicated in a separate order in Docket No. A-1178, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of the temporary minimum prices sought for the coals of the Joan-

nie Mine (Mine Index No. 797) of John C. Jordan for truck shipments, and except for the coals of Mine Index Nos. 489, 670, 537, and 448, for which coals price classifications and minimum prices had already been established.

In an Order of December 11, 1941, Granting Temporary and Permanent Relief in Docket No. A-1026, temporary relief in the form of price reductions ranging from 8 to 15 cents per ton, for Size Groups 1 to 7 and 9, was granted to certain mines located in Appannose County, Iowa, in Production Group 1-A for truck shipments. This relief was granted for the purpose of more properly coordinating the price of these coals with the prices of competing coals produced in Putnam County, Missouri, in District 15, which were reduced temporarily 25 cents per ton by orders entered in Docket No. A-179 on December 7, 1940, 5 F.R. 4872, and February 13. 1941, 6 F.R. 1005.

It appears that the Joannie Mine (Mine Index No. 797) of John C. Jordan, is also located in Production Group 1-A in Appannose County, Iowa, and should be granted temporarily the same reduction that was granted to other coals in Production Group 1-A in Docket No. A-1026 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and

entitled matter; and
The following action being deemed
necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-1178 relating to the minimum prices sought for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan for truck shipment be, and the same hereby is, severed from the remainder of Docket No. A-1178 and designated as Docket No. A-1178 Part II.

It is further ordered, That, pending further Order of the Acting Director, the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments, be and it hereby is amended in accordance with the Schedule marked "Temporary Supplement T" attached hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to make permanent, stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,

Acting Director.

[F. R. Doc. 42-611; Filed, January 21, 1942; 11:30 a. m.]

¹Filed as part of the original document.

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS .

FLORIDA

JANUARY 9, 1942.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Florida, the following counties are hereby designated as additional counties in which loans, pursuant to said Title may be made hereafter.

Calhoun, Gilchrist, Hamilton, and Walton.

[SEAL]

C. B. BALDWIN, Administrator.

[F. R. Doc. 42-589; Filed, January 20, 1942; 2:51 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 140]

RESIGNATION AND REPLACEMENT OF EM-PLOYER MEMBER AND APPOINTMENT OF THREE ADDITIONAL MEMBERS TO INDUS-TRY COMMITTEE No. 40 FOR THE GLOVES AND MITTENS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Thomas W. Holland, Administrator of the Wage and Hour Division, Department of Labor,

(1) hereby accept the resignation of Mr. T. H. Mueller as an employer member of Industry Committee No. 40 for the Gloves and Mittens Industry, and appoint Mr. Hans Meinig of Reading, Pennsylvania, in his stead on the committee; and

(2) hereby increase the representation on Industry Committee No. 40 for the Gloves and Mittens Industry by three additional members, and appoint Colonel John J. Hannan of Madison, Wisconsin, to represent the public, Mr. Louis Schultz of Milwaukee, Wisconsin, to represent the employees, and Mr. Richard G. Fried of Milwaukee, Wisconsin, to represent the employers.

Signed at Washington, D. C., this 20th day of January, 1942.

THOMAS W. HOLLAND. Administrator.

[F. R. Doc. 42-623; Filed, January 21, 1942; 11:54 a. m.]

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE No. 37 FOR MINIMUM WAGES IN THE CIGAR INDUSTRY

Whereas a hearing was held on January 13 and 14, 1942, before Major Robert

N. Campbell, as Presiding Officer. at which all persons interested in the report and recommendation of Industry Committee No. 37 for the fixing of minimum wages in the Cigar Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Ad-

ministrator,

Now, therefore, notice is hereby given: That the Administrator will receive written briefs (not fewer than twelve copies) on or before February 10, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on February 17, 1942, at 10:00 a. m., in Room 7129, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing: Provided, That on or before February 17, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation. Signed at Washington, D. C., this 19th day of January 1942.

THOMAS W. HOLLAND. Administrator.

[F. R. Doc. 42-622; Filed, January 21, 1942; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARN-ERS UNDER THE FAIR LABOR STANDARDS **ACT OF 1938**

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the Féderal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839). Artificial Flowers and Feathers

Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748). `

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829). Knitted Wear Learner Regulations,

October 10, 1940 (5 F.R. 3982). Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).11

Woolen Learner Regulations, October

30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Man-

ufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 22, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EX-PIRATION DATE

Apparel

Beau Brummell Ties, Inc., 440 E. Mc-Millan Street, Cincinnati, Ohio; Men's Neckties; 5 percent (T); January 22, 1943.

Harris Pants Shop, 35-37 S. Liberty Street, Baltimore, Maryland; Men's Pants; 2 learners (T); January 22, 1943. Mario Ranieri, 22nd and Arch Streets, Philadelphia, Pennsylvania; Sack Coats, Overcoats, Topcoats; 5 learners (T); January 22, 1943.

Single Pants, Shirts, and Allied Gar-ments and Women's Apparel Industries

DuBenay Undergarment, Inc., 102 Madison Avenue, New York, New York; Ladies' Underwear: 6 learners (T); May 7, 1942.

Economy Dress Company, Fairbury, Illinois; Dresses; 5 learners (T); January 22d, 1943.

Ely and Walker Dress Factory, Vandalia, Missouri; Ladies' Dresses; 10 percent (T); January 22, 1943.

Hicks-Hayward Company, 309 South Santa Fe Street, El Paso, Texas; Work Clothing, Pants and Jackets; 54 learners (E); June 11, 1942.

Smoler Brothers, Inc., 318 E. Colfax Street, South Bend, Indiana; Wash Dresses; 50 learners (E); July 22, 1942.

The Sterling Company, 629 Tenth Street, Huntington, West Virginia; Dresses; 10 percent (T); January 22, 1943. (This certificate replaces the one issued bearing expiration date of October 2, 1942.)

H. Vaniver and Company, Inc., 240 Market Street, Philadelphia, Pennsylvania; Trousers, Aprons, Ladies' Uniforms; 5 learners (T); July 22, 1942.

Hosiery

Blue Ridge Hoslery Mills Company, Depot Street, Marion, North Carolina; Seamless Hosiery; 5 learners (T); January 22, 1943.

Grayson Full Fashioned Hosiery Mills, Inc., Independence, Virginia; Full Fashioned Hosiery; 5 percent (T); January

22, 1943. William L. Hyman Hoslery Mill, Locust Street, Ephrata, Pennsylvania; Seamless Hosiery; 5 learners (T); January 22, 1943.

Royal Oak Hosiery Mills, Inc., Marion, Virginia; Full Fashioned Hosiery; 5 percent (T); January 22, 1943.

Knitted Wear

Broadway Undergarment Company, 627 Broadway, New York, New York; Knitted Underwear; 4 learners (T); May 7, 1942.

Quality Knitting Company, Inc., Stowe, Pennsylvania; Knitted Underwear; 5 percent (T); January 22, 1943.

Woolen

Cen-Tex Wool and Mohair Company, Austin Highway, San Marcos, Texas; Blankets; 10 learners (E); July 22, 1942.

Signed at Washington, D. C., this 21st day of January 1942.

Merle D. Vincent, Authorized Representative of the Administrator.

[F. R. Doc. 42-621; Filed, January 21, 1942; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6241]

In Re Application of Broadcasters, Inc. (New)

NOTICE OF HEARING

Application dated December 9, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency, 1500 kc. (1490 kc. NARBA) power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of San Jose Broadcasting Co., Docket No. 6242 and Luther E. Gibson, Docket No. 6243, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the

proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of Station KSAN as proposed in Docket No. 6200; and a station proposed by Luther E. Gibson, for Vallejo, California (Docket No. 6243), as well as the areas and populations affected thereby and what other broadcast service is available to those areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station KYOS, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of the proposed station would provide service to the metropolitan district of San Jose, California, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of San Jose Broadcasting Company (Docket No. 6242) and the application of Luther E. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasters, Inc., Att: Frank Quemont, 156 West San Fernando St., San Jose, California.

Dated: January 20, 1942. By the Commission.

[SEAL] T. J. SLOWIE,

Secretary.

[F. R. Doc. 42-596; Flied, January 21, 1942; 11:04 a. m.]

[Docket No. 6242]

IN RE APPLICATION OF SAN JOSE BROAD-CASTING CO. (NEW)

NOTICE OF HEARING

Application dated March 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency, 1490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Broadcasters, Inc., Docket No. 6241 and Luther E. Gibson, Docket No. 6243, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the

proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of Station KSAN as proposed in Docket No. 6200; and a station proposed by Luther E. Gibson for Vallejo, California (Docket No. 6243), as well as the areas and populations affected thereby and what other

broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station KYOS, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of the proposed station would provide service to the metropolitan district of San Jose, California, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of Broadcasters, Inc. (Docket No. 6241) and the application of Luther F. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

San Jose Broadcasting Co., % Joe E. Levitt, 266 S. First St., San Jose, California.

Dated: January 20, 1942. By the Commission.

[SEAL]

T. J. Slowie, Secretary.

[F. R. Doc. 42-597; Filed, January 21, 1942; 11:04 a. m.]

[Docket No. 6243]

IN RE APPLICATION OF LUTHER E. GIBSON (New)

NOTICE OF HEARING

Application dated February 26, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Vallejo, California; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Broadcasters, Inc., Docket No. 6241, and San Jose Broadcasting Company, Docket No. 6242, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the character of the

proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of any of the following: (a) Station KSAN as proposed in Docket No. 6200; (b) the station proposed by Broadcasters, Inc. for San Jose, California in Docket No. 6241; and (c) the station proposed by San Jose Broadcasting Company for San Jose, California in Docket No. 6242, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine whether the operation of the station proposed herein would provide service to the metropolitan district of San Francisco, California, as contemplated by the Standards of Good

Engineering Practice.

5. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether the granting of this application, the application of San Jose Broadcasting Company (Docket No. 6242) and the application of Broadcasters, Inc. (Docket No. 6241) or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by

means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Luther E. Gibson, 516 Marin Street, Vallejo, California.

Dated: January 20, 1942. By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 42-598; Filed, January 21, 1942; 11:04 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-485]

IN THE MATTER OF PUBLIC SERVICE COM-PANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C. on the 21st day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested party may not later than February 3, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or he may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said declaration or application which is on file at said Commission for a statement of the transactions therein proposed, which are sumarrized below:

Public Service Company of Indiana, Inc. (Public Service) owns all of the outstanding securities of West Indiana Utilities Company (West Indiana) which in turn owns all of the outstanding securities of Brazil Electric Company (Brazil). The properties, rights, and assets of West Indiana and Brazil are leased to and operated by Public Service. Public Service proposes to acquire title to the properties, rights, and assets of West Indiana and Brazil by causing West Indiana and Brazil to be dissolved and liquidated.

By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 42-618; Filed, January 21, 1942; 11:47 a. m.]

[File No. 70-415]

IN THE MATTER OF NEWPORT WATER CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D. 1942.

Newport Water Corporation, a subsidiary of Ogden Corporation, which is a registered holding company, having filed a declaration and application under sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed dissolution of Newport Water Corporation and the distribution of its remaining assets, consisting principally of cash, to the holders of its 10,000 shares of preferred stock; and

The Commission having ordered that a hearing in the above-entitled matter be held on February 3, 1942; and

It appearing to the Commission that it is desirable that such hearing be post-

poned to February 17, 1942, at 10:00 A.M. and that such postponement is satisfactory to all parties hereto.

It is so ordered.

By the Commission.

[SEAL] Francis P. Brassor, Secretary.

[F. R. Doc. 42-619; Filed, January 21, 1942; 11:47 a. m.]

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COM-PANY, THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), AND THE GENERAL CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of January 1942.

Alabama Power Company, a subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder regarding, among other things, the issue and sale of \$80,-000,000 principal amount of its First Mortgage Bonds, Series due 1972, the applicant publicly to invite proposals for the purchase of the Bonds in accordance with Rule U-50; and

The Commission having on December 29, 1941 granted such application pursuant to section 6 (b) subject to the condition that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; and

The applicant having made such report to the Commission in the form of a-further amendment to the application herein specifying the proposal which had been received for the purchase of said Bonds pursuant to the invitation of competitive bids therefor and stating that applicant had accepted a bid from a group of eighty-one underwriters, headed by The First Boston Corporation and Bonbright & Company of 100.40% of the principal amount for bonds having a coupon rate of 3½% per annum, plus accrued interest from the first day of January 1942 to the date of delivery of said bonds, said bonds to be resold to the public at 101.75% of the principal amount, representing a spread to the underwriters of 1.35%; and

The Commission having examined the record, and finding that the terms for sale of said bonds at such prices and with such spread are not unreasonable;

It is ordered, That said application, as amended, be and it is hereby granted in regard to the price to the issuer, spread and distribution thereof applicable to said bonds, subject however, to the terms and conditions prescribed in Rule U-24. By the Commission.

[SEAL]

Francis P. Brassor, Secretary.

[F. R. Doc. 42-620; Filed, January 21, 1942; 11:47 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILI-TIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of January 1942.

The Commission having on October 31, 1941, issued its Notice of and Order for Hearing instituting proceedings under Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above entitled matter; said order having required that respondents file their answer herein on or before November 30, 1941, and having directed that a

hearing be held on such matter on December 22, 1941, at 10 o'clock A. M., at the office of the Securities and Exchange Commission, Washington, D. C.; and the Commission having by order entered on November 28, 1941, postponed the date of said hearing until January 22, 1942; and

Respondents having requested that said date of hearing be further postponed from January 22, 1942, to February 5, 1942, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to February 5, 1942, at 10 o'clock A. M., at the office of the Securities and Exchange Commission, 1778

Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the Hearing Room Clerk in Room 1102 before the officer of the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and that notice shall be given to all other persons by publication thereof in the Federal Register.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 42-624; Filed, January 21, 1942; 12:02 p. m.]

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